

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
THE STONE FAMILY TRUST,

Plaintiff,

-against-

CREDIT SUISSE AG, CREDIT SUISSE  
SECURITIES (USA) LLC, TIDJANE THIAM and  
DAVID R. MATHERS,

Defendants.

ANALISA TORRES, District Judge:

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/16/2019

19 Civ. 5192 (AT) (SN)

**ORDER**

On November 12, 2019, Defendants in this securities action moved to dismiss the original complaint, ECF No. 1, for failure to state a claim. ECF No. 20. On December 4, 2019, Plaintiff filed an amended complaint. ECF No. 24. On December 5, 2019, the parties moved to extend the time to answer or otherwise respond to the complaint until 45 days after the Second Circuit resolves an appeal from this Court's order in a related case. ECF No. 25. On December 6, 2019, the Honorable Sarah Netburn granted that motion. ECF No. 26.

"Since the original complaint has been superseded by the amended complaint, the motion to dismiss the original complaint has been rendered moot." *Gonzalez v. Paine, Webber, Jackson & Curtis, Inc.*, 493 F. Supp. 499, 501 (S.D.N.Y. 1980); *see Weinreb v. Xerox Bus. Servs., LLC Health & Welfare Plan*, 323 F. Supp. 3d 501, 508 n.6 (S.D.N.Y. 2018) ("[C]ourts in this circuit routinely deny . . . motions as moot . . . when the motion was based on a complaint that has been rendered legally inoperative." (internal quotation marks and citations omitted)), *appeal filed*, No. 18-2809 (2d Cir. Sept. 21, 2018); *Verzani v. Costco Wholesale Corp.*, 641 F. Supp. 2d 291, 297 (S.D.N.Y. 2009) ("[D]efendant's motion to dismiss, which was directed to the original complaint, was mooted by the filing of the amended complaint."). Defendants in this matter plainly contemplate filing a new motion to dismiss the amended complaint at an appropriate time. *See* ECF No. 25. Accordingly, Defendants' motion to dismiss the original complaint is DENIED as moot.

The Clerk of Court is directed to terminate the motion at ECF No. 20.

SO ORDERED.

Dated: December 16, 2019  
New York, New York



ANALISA TORRES  
United States District Judge